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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,837	01/10/2000	STEPHAN GEHRING	INT-99-009	4824
44279	7590	12/31/2007		
PULSE-LINK, INC. 1969 KELLOGG AVENUE CARLSBAD, CA 92008			EXAMINER SHAH, CHIRAG G	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/480,837

Applicant(s)

GEHRING ET AL.

Examiner

Chirag G. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Amendment to claim 14 appears to overcome the rejection under 35 U.S.C. 101 and therefore, the rejection of the previous action with respect to the claims is withdrawn.
2. Applicant's arguments filed 10/15/07 have been fully considered but they are not persuasive.

Applicant submits a Declaration under 37 CFR 1.132, by Mr. Gregg Rasor to overcome the maintained enablement rejection. Applicant argues that upon review of Application's specification, Mr. Rasor concluded that a person possessing the teachings found in Applicant's specification at the time of the claimed invention, and being of ordinary skill in the art of ultra-wideband communication, would be able to implement without undue experimentation Applicant's claimed invention. Applicant also provides exhibit A as support. While the Examiner respects the opinion of Mr. Rasor, Examiner respectfully disagrees that the Application's specification provides sufficient evidence **to make and/or use the invention of an ultra wide band network using a TDMA frame format**. While exhibit A may disclose of traces of the history of ultra-wideband from 1942 to 2000, concentrating on both RADAR and communication application, the Applicant's specification does not enable possessing sufficient evidence to make and/or use the ultra wideband network using a TDMA frame format. Thus, claims 1-20 respectfully remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

3. Applicant argues that claims 1, 9, and 20 is directed to claim a network of communication devices, which is a machine, and machines are one of the enumerated statutory

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invention categories defined in 35 USC 101. Applicant also argues that the “communication” is accomplished by transmission and reception among the master device and one or more slave devices and approximately 45 occurrences of the word, “communication” takes place. Examiner respectfully directs applicant to claims 1, 9, and 20, where no transmission or reception among a master device and plurality of slave devices takes place. Just by reciting the word “communication” approximately 45 times in the specification is not the basis for establishing practicality, the claim itself must be written to establish practicality. Furthermore, merely reciting a multiplicity of ultra wide band signal encoded with function descriptive matter such as a network does not fall within any of the categories of patentable subject matter set forth in the 101 Interim Guidelines for statutory subject matter. The claims do not have a practical application by physical transformation or a practical application that produces a useful, tangible and concrete result.

4. Examiner cites art is relevant and appropriately addresses all the structural elements presented. Examiner respectfully reemphasizes to the Applicant, the claimed subject matter (for example of claim 1) simply provides structure and no practical application. Thus, introducing a second reference with a missing timeslot in a TDMA frame definition is obvious in the art. Furthermore, Examiner provided a logical motivation for adding the missing timeslot, specifically; one is motivated to add the timeslot in order to enable permit precise, deterministic scheduling with reduction in delay and processing time for a reservation-based TDMA protocol.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. **The amended specification and the existing specification does not enable one skilled in the art to make and/or use the invention of an ultra wide band network using a TDMA frame format.** How does ultra wide band network enable TDMA? In other words, the specification does not describe in such a way to enable how the ultra wide band network implements the TDMA.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1, 9, and 20 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1, 9 and 20, Under the Interim Guideline for Examination of Patent Applications for Patent Subject Matter Eligibility, the claims seek for patent protection of a signal. Moreover, it does not appear that claims reciting a multiplicity of ultra wide band signal

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encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. The claims do not have a practical application by physical transformation or a practical application that produces a useful, tangible and concrete result.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Aiello et al. (U.S. Patent No. 6,275,544) in view of Hulyalkar (U.S. Patent No. 6,347,084).

Regarding claim 1, 9 and 20, Aiello discloses in **fig. 1 and col. 7, lines 47-67** of an ultra wide band network, comprising:

a master device [**device 12a , fig. 1 and col. 5, lines 45-61**] and a plurality of slave devices [**12b and 12c, see fig. 1 and col. 5, lines 45-61**] in network communication with said master device, the communication using a Time Division Multiple Access frame comprising a multiplicity of ultra wide band signals [**the master transceiver performs data transmission between several node devices via a MAC protocol utilizing a TDMA frame definition. Under the TDMA architecture, the data transmitted as short RF pulses divided into discrete data frames; see col. 7, lines 47-67**];

a Medium Access Control layer protocol for transmission and reception of network packets [**see col. 7, lines 47-67**], comprising:

a Time Division Multiple Access frame definition [see **fig. 3 and col. 7, lines 47-55**] having a start-of-frame section [**SOF, see col. 7, lines 65-67**], a command section [**command slot 42, see fig. 3**], a data slot section containing a plurality of variable length slots [see **col. 8, lines 45-59 and fig. 3**], a synchronization slot [**master sync code 46, see col. 8, lines 1-21 and fig. 3**].

Aiello fails to disclose of a TDMA frame including a timestamp slot. Hulyalkar teaches a method of timestamp synchronization that includes a control node (master device) and a plurality of other nodes (slave devices) that are in communication with one another mediated by a MAC subsystem that uses a reservation-based TDMA protocol. Hulyalkar discloses in col. 5, lines 5-17 and col. 9, lines 41-65 and respective portion of the specification to include a control node sending a preset command to slave nodes and it presets their respective timestamp to the prescribed timestamp value. Thus, having a timeslot within a TDMA frame. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to incorporate the teachings of a timestamp timeslot within a TDMA frame as taught by Hulyalkar into Aiello invention. One is motivated as such in order to enable permit precise, deterministic scheduling with reduction in delay and processing time for a reservation-based TDMA protocol.

Regarding claim 14, Aiello discloses in **col. 7, lines 47-67 and fig. 1** a computer program product [**framing control function in the master transceiver device 12a**] for scheduling the assignment of variable length data slots in a network system having a master device and a plurality of slave devices in network communication with said master device the network communication using a Time Division Multiple Access frame comprising a multiplicity of ultra

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wide band signals [the master transceiver performs data transmission between several node devices via a MAC protocol utilizing a TDMA frame definition. Under the TDMA architecture, the data transmitted as short RF pulses divided into discrete data frames; see col. 7, lines 47-67], comprising:

providing a Time Division Multiple Access frame definition comprising a synchronization slot and a data slot section having a plurality of variable-length data slots [a Time Division Multiple Access frame definition (see fig. 3 and col. 7, lines 47-55) having a start-of-frame section (SOF, see col. 7, lines 65-67), command slot 42, see fig. 3, a data slot section containing a plurality of variable length slots (see col. 8, lines 45-59 and fig. 3)], a synchronization slot (master sync code 46, see col. 8, lines 1-21 and fig. 3)]; and

determining a schedule time to communicate the assignment and reallocation of said variable-length data slots to each of said slave devices [see col. 8, lines 1-21 and 45-60].

Aiello fails to disclose of a TDMA frame including a timestamp slot. Hulyalkar teaches a method of timestamp synchronization that includes a control node (master device) and a plurality of other nodes (slave devices) that are in communication with one another mediated by a MAC subsystem that uses a reservation-based TDMA protocol. Hulyalkar discloses in col. 5, lines 5-17 and col. 9, lines 41-65 and respective portion of the specification to include a control node sending a preset command to slave nodes and it presets their respective timestamp to the prescribed timestamp value. Thus, having a timeslot within a TDMA frame. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to incorporate the teachings of a timestamp timeslot within a TDMA frame as taught by Hulyalkar into Aiello

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invention. One is motivated as such in order to enable permit precise, deterministic scheduling with reduction in delay and processing time for a reservation-based TDMA protocol.

Regarding claims 2-4, Aiello discloses in col. 7, lines 47-67 and in col. 8, lines 45-60 wherein the MAC layer protocol is configured to implement dynamic requisition, allocation, and reallocation of variable length data slots within the frame.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs

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December 26, 2007

A handwritten signature in black ink, appearing to read 'Chirag Shah', with a stylized flourish extending from the end.

Chirag Shah
Primary Examiner

**CHIRAG G. SHAH
PRIMARY PATENT EXAMINER**